

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 David Anthony Rhone,
10 Petitioner,

11 v.

12 David Shinn, et al.,
13 Respondents.
14

No. CV-20-00427-PHX-DWL
ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus
16 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of
17 the United States Magistrate Judge (Doc. 33). The R&R, which was issued on July 15,
18 2021, recommended that the petition be dismissed with prejudice and further provided that
19 "[t]he parties shall have fourteen days from the date of service of a copy of this
20 recommendation within which to file specific written objections with the Court." (Doc. 33
21 at 12.)

22 Here, no such objections have been filed. Thus, the Court accepts the Magistrate
23 Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It does
24 not appear that Congress intended to require district court review of a magistrate's factual
25 or legal conclusions, under a *de novo* or any other standard, when neither party objects to
26 those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("[N]o
27 review is required of a magistrate judge's report and recommendation unless objections are
28 filed."). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)

1 (“[T]he district judge must review the magistrate judge’s findings and recommendations
2 de novo *if objection is made*, but not otherwise.”).

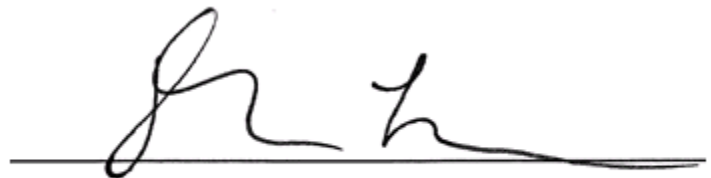
3 Accordingly,

4 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 33) is accepted,
5 that the Petition (Doc. 1) is dismissed with prejudice, and that the Clerk of Court shall enter
6 judgment accordingly.

7 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
8 proceed in forma pauperis on appeal be **DENIED** because dismissal of the petition is
9 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
10 debatable.

11 Dated this 11th day of August, 2021.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A handwritten signature in black ink, appearing to read 'DL', is written over a horizontal line.

Dominic W. Lanza
United States District Judge